

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TINYBUILD LLC, a Washington limited  
liability company,

Plaintiff,

v.

NIVAL INTERNATIONAL LIMITED, a  
Cypriot corporation,

Defendant.

CASE NO. 2:19-cv-00805-TSZ

**DECLARATION OF DIANA S.  
BREAUX IN OPPOSITION TO  
DEFENDANT'S MOTION TO  
CONTINUE ALL DATES**

I, DIANA S. BREAUX, declare as follows:

1. I am an attorney representing Plaintiff tinyBuild LLC ("tinyBuild") in this matter.

I have personal knowledge of the facts contained in this declaration and I am competent to testify to them.

2. Attached as **Exhibit A** is a true and correct copy of an email dated April 29, 2020, sent to me by Matthew Shayefar, counsel for Defendant Nival International Limited ("Nival").

3. On April 29, 2020, Mr. Shayefar and I conferred telephonically to discuss how much additional time was needed for discovery and the discovery Nival sought to accomplish with the extension. During the meet and confer, I proposed an extension of no more than 60 days, and further advised that the parties could conduct depositions by remote means. Counsel for Nival

1 sought a longer extension, and we ultimately agreed to submit a joint motion for a 90-day  
2 extension.

3 4. After filing the joint motion for extension, Nival did not serve any deposition  
4 notices or other discovery requests, or make any effort to confer with tinyBuild about the  
5 scheduling of depositions or other discovery. In fact, the first communication tinyBuild received  
6 from Nival after this Court's order of May 29, 2020, was an email dated August 31, 2020, from  
7 Nival's counsel asking if tinyBuild would consent to this motion.

8 5. Attached as **Exhibit B** is a true and correct copy of an email dated August 31,  
9 2020, sent to me by Matthew Shayefar, counsel for Nival.

10 6. Since May, I have taken and defended depositions, participated in at least two  
11 mediations, and attended three motion hearings, all of which were conducted remotely. As I  
12 advised Mr. Shayefar during our meet and confer of April 29, depositions can easily be conducted  
13 remotely.

14 I declare under penalty of perjury of the laws of the State of Washington that the foregoing  
15 is true and correct.

16 Signed this 9th day of September, 2020, in Seattle, Washington.

17 s/ Diana S. Breaux

18 Diana S. Breaux, WSBA No. 46112

# EXHIBIT A

*tinyBuild LLC v Nival Int'l Ltd*

USDC - WAWD Case No. 2:19-cv-00805-TSZ

DECLARATION OF DIANA S. BREAU

**Diana Siri Breaux**

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**From:** Matthew Shayefar <matt@bostonlawgroup.com>  
**Sent:** Monday, April 20, 2020 11:24 AM  
**To:** Diana Siri Breaux; Hathaway Burden; john.crosetto@foster.com  
**Cc:** Val Gurvits; Frank Scardino; phil@mannlawgroup.com  
**Subject:** tinyBuild v Nival

Hi Diana,

I hope you are well in these times and keeping safe.

Given the state of the world and the state of the litigation (particularly that it is not advisable right now to be taking depositions), I write to see if you would join in a motion to the court to request a continuance of all litigation dates (particularly the discovery cutoff) in the tinyBuild v Nival case.

Please let me know your thoughts and if you have any suggestion for the length. I'm sure there's a lot of this going on in the Washington courts in particular, so you may have some additional insight.

Thanks a best wishes,

Matthew Shayefar

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Direct: 323-948-8101 | Tel: 617-928-1800 | Fax: 617-928-1802  
[matt@bostonlawgroup.com](mailto:matt@bostonlawgroup.com)

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# EXHIBIT B

*tinyBuild LLC v Nival Int'l Ltd*

USDC - WAWD Case No. 2:19-cv-00805-TSZ

DECLARATION OF DIANA S. BREAU

## Sharon Hendricks

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**From:** Matthew Shayefar <matt@bostonlawgroup.com>  
**Sent:** Monday, August 31, 2020 9:55 AM  
**To:** Diana Siri Breau; Hathaway Burden  
**Cc:** Val Gurvits; Frank Scardino; phil@mannlawgroup.com  
**Subject:** tinyBuild v Nival - Motion to Extend Deadlines

Hi Diana and Hathaway,

I hope you and your families and friends are all well during these times.

I am following up on a voicemail I just left Diana. Today is the discovery deadline in the tinyBuild v Nival case and given the continuing pandemic we will be moving the court for an additional ~90 days extension of all deadlines in the case. We'd like to file the motion as a joint motion, so could you please let me know by this afternoon whether we can do so?

In hopes that you can agree to file jointly, I have put together a draft of the joint motion based on the last one we filed. That draft is attached hereto. If you have any comments, please let me know as soon as possible and don't hesitate to call me if you want to discuss.

Best wishes,

Matthew Shayefar

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